

**CITY OF NEWPORT BEACH
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE**

**THURSDAY, NOVEMBER 21, 2013
REGULAR MEETING – 6:30 p.m.**

**BRADLEY HILLGREN
Chair**

**LARRY TUCKER
Vice Chair**

**KORY KRAMER
Secretary**

FRED AMERI

TIM BROWN

RAYMOND LAWLER

JAY MYERS

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

KIMBERLY BRANDT, Community Development Director

**BRENDA WISNESKI, Deputy Community
Development Director**

LEONIE MULVIHILL, Assistant City Attorney

TONY BRINE, City Traffic Engineer

MARLENE BURNS, Administrative Assistant

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

**NEWPORT BEACH PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, NOVEMBER 21, 2013
REGULAR MEETING – 6:30 p.m.**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

V. REQUEST FOR CONTINUANCES

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF NOVEMBER 7, 2013

Recommended Action: Approve and file

VII. PUBLIC HEARING ITEMS

Speakers must limit comments to three (3) minutes on all items. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

ITEM NO. 2 DAVIS LOT MERGER AND SETBACK DETERMINATION (PA2013-176)

Site Location: 6th Street and 524 West Ocean Front

Summary:

A lot merger application and a request to waive the parcel map requirement for two properties, under common ownership, located on Balboa Peninsula. The merger would combine the two parcels into one lot for a single-unit residential development. The applicant also requests an Alternative Setback Determination, which is intended in cases where the orientation of an existing lot and the application of the standard setbacks are not consistent with other lots in the vicinity.

CEQA Compliance:

The project is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines - Class 5 (Minor Alterations in Land Use Limitations), which exempts minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density.

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____ approving Lot Merger No. LM2013-003 and Staff Approval No. SA2013-011.

ITEM NO. 3 MIRAMAR DRIVE CODE AMENDMENT (PA2013-211)

Site Location: 2022, 2026, 2032, 2034, 2038, and 2042 Miramar Drive

Summary:

A Zoning Code Amendment to change the rear alley setback for six properties from 6 feet to 0 feet, consistent with the standard rear alley setback for other properties in the City when located adjacent to a minimum 20-foot-wide alley.

CEQA Compliance:

This item is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations). The Class 5 exemption allows minor alterations in land use limitations in areas with an average slope of less than 20 percent and which do not result in any changes in land use or density. In this case, the six lots affected by the amendment have an average slope of less than 20 percent; the amendment will not change the land use category or zoning district of the affected lots; and the maximum number of dwelling units per lot will not change.

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____ approving Code Amendment No. CA2013-006.

ITEM NO. 4 WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE UPDATE (PA2012-057)

Site Location: Citywide

Summary:

An amendment to the Newport Beach Municipal Code (“NBMC”) to update regulations regarding wireless telecommunication facilities (“Telecom Facilities”). Regulations currently contained in Chapter 15.70 would be updated and relocated to Title 20 (Planning and Zoning) and Chapter 15.70 would be rescinded in its entirety.

CEQA Compliance:

This action is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. The revisions to the Zoning Ordinance do not authorize any development, and therefore, will not result in a change to the physical environment. Individual wireless telecommunications facilities are subject to CEQA review at the time of application review.

Recommended Action:

1. Conduct public hearing; and
2. Adopt Resolution No. ____ recommending City Council approval of the proposed update of the Wireless Telecommunication Ordinance (CA2012-004).

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 MOTION FOR RECONSIDERATION

ITEM NO. 6 COMMUNITY DEVELOPMENT DIRECTOR’S REPORT

Committee Updates:

1. Land Use Element Amendment Advisory Committee
2. General Plan/Local Coastal Program Implementation Committee

ITEM NO. 7 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS
WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR
REPORT

ITEM NO. 8 REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT